

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DELSHAH 60 NINTH, LLC,

Plaintiff,

-v-

FREE PEOPLE OF PA LLC,

Defendant.

CIVIL ACTION NO.: 20 Civ. 5905 (JMF) (SLC)

ORDER

SARAH L. CAVE, United States Magistrate Judge.

As per the Court's July 5, 2023 Order (ECF No. 152), the Court orders as follows with respect to the in-person hearing scheduled for September 19, 2023 (the "Hearing"):

1. The Court has reviewed the parties' submissions and has determined that there are no issues on which the Court requires live testimony at the Hearing. Therefore, the parties need not present witnesses at the Hearing.
2. By **September 8, 2023**, the parties shall file a joint letter setting forth which exhibit(s) they will present at the Hearing. (See ECF No. 152).
3. By **September 8, 2023**, the parties shall provide the following to the Court:
 - a. With respect to the revised report of Ms. Locatell (ECF No. 159-1): (i) native versions of each table, which appear to be Excel files, labeled as "ECF No. 159-1 x.[page number on which the table appears]," and (ii) copies of the invoices for "legal fees incurred in negotiating and finalizing the subject leases which total \$82,655" (ECF No. 159-1 at 15).
 - b. With respect to the revised report of Mr. Tener (ECF No. 162-1), native versions of each table, which appear to be Excel files, labeled as "ECF No. 162-1 x.[page number on which the table appears]."
 - c. A demonstrative exhibit, jointly prepared by the parties, providing a side-by-side comparison of the parties' respective calculations of damages

under Sections 22(d)(i), (d)(ii), (d)(iii), and (d)(iv) of the Lease (ECF No. 140-1).

4. The parties shall submit copies of the materials requested in Paragraph 3 through the Court's file-share system, instructions for which the Court will email to counsel.
5. The parties may, but are not required to, offer additional demonstrative exhibits or PowerPoint slides at the Hearing.
6. The Hearing is RESCHEDULED to **Friday, September 22, 2023 at 2:30 p.m.**, and will proceed in-person.

Dated: New York, New York
August 28, 2023

SO ORDERED.


SARAH L. CAVE
United States Magistrate Judge